

RICHARD MERCALDO : CIVIL ACTION

VS. :

PAUL K. SMEAL, et al. : NO. 08-CV-282

AND NOW, this 8th day of June, 2010 upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate and the numerous objections thereto filed by the Defendant, it is hereby ORDERED that:

- There is no probable cause to issue a certificate of appealability.

s/J. Curtis Joyner
J. CURTIS JOYNER, J.